



# **ODUMUNC 39**

Special, Political, and Decolonization  
Committee

Combatting Peacekeeping Corruption and Malfeasance

By: Hristina Georgieva and Christopher Steadman



## ODUMUNC 2016

### Issue Brief for the General Assembly Fourth Committee: Special, Political, and Decolonization



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### Introduction:

The United Nations has a plethora of responsibilities, with one the primary focuses being the maintenance of international peace. With the collapse of the Soviet Union in the early 1990s, a new era in the preservation of peace emerged. The UN was locked in a polarized gridlock in the only organ allowed to establish peacekeeping missions, the Security Council (UNSC), because of the power of veto owned by the chief competing global powers, the USA and the USSR. However, with the collapse of one of the superpowers, the Soviet Union, the UNSC was given new life. The Post-Cold War UN became incredibly active; the number of peacekeeping/building operations, humanitarian operations, and other such global support systems increased exponentially. This increase created a new issue however: inefficacy. As a result of the UN's lack of action in many situations during the Cold War, this new era of activity placed a serious strain on UN Member States, the Secretariat, and UN affiliated organizations. From 1960-1990 there were a total of seven UN peacekeeping missions established, and *in just a 5 year period in Africa alone* between 1991 and 1996 a total of 9 new missions were established. In this short period of time the UN went from a majority of the time having only a few active missions in sometimes dormant crises, to having upwards of 8 or 9 active at a single time, and now with 16 active missions currently. This scale of operations led to serious issues within missions that still persist today. The overextended bureaucracy that the UN has

become leads to an abuse of the system. This results in widespread corruption, lawlessness, and sometimes even violent crime within peacekeeping missions. These harmful actions cause damage to the image of the UN all over the world, breaks trust between the UN, its personnel, and the host country, and often results in little to no discipline for those personnel who committed crimes<sup>1</sup>.

Generally speaking, peacekeepers are the main force through which a peacekeeping operation upholds ceasefires in host states. A peacekeeping operation involves military, police, and civilian



**Figure 1: Locations of all ongoing peacekeeping operations**

Source: [www.un.org](http://www.un.org)

personnel of UN member states that volunteer to be a part of an operation. These peacekeepers work to provide security and support to people living in conflict zones, and have the primary job of maintaining peace between two (or more) warring parties. Investigations into several UN peacekeeping operations have discovered

<sup>1</sup> "United Nations Peacekeeping." UN News Center. Accessed November 5, 2015. <http://www.un.org/en/peacekeeping/>.



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corruption, misconduct, bribery, and sexual abuse by peacekeepers and civilian personnel. The U.N has limited power to correct such behavior, and as a result it also fails to hold states or individuals responsible when investigation or punishment does not occur within their troops in cases of misconduct. These issues persist in today's peacekeeping missions and represent a major obstacle and the UN's functioning, purpose, and future. The lawlessness that UN personnel and peacekeepers sometimes operate with must be addressed; otherwise the legitimacy of the UN as an institution of peace is in serious question<sup>2</sup>.

The moral or ethical issues raised in the following brief are discussions of the sometimes immoral and illegal actions that UN officials, specifically peacekeepers and affiliated personnel, perpetrate on occasion. These issues break into two sections: corruption and malfeasance. In order to effectively discuss the UN's failures to stop these issues and the current framework for retribution, these two concepts must first be established. Corruption is any action deemed to be dishonest that damages the trustworthiness or legitimacy of an organization, group, or person<sup>3</sup>. These can be things ranging from taking bribes, to using office to further personal enterprises, or the use of favoritism to give advantages to specific groups. Malfeasance is defined as

wrongdoings perpetrated by officials<sup>4</sup>. Malfeasance can manifest as illegal actions like theft, assault, murder, or embezzlement, or as broad actions of malpractice like the hiring of dangerous individuals, a systemic lack of oversight, exploitation of individuals, or gross managerial negligence. Sadly, the UN has found itself in the center of problems with both malfeasance and corruption in both of its Headquarters in New York and Geneva, and in the field at its numerous peacekeeping, peacebuilding, and humanitarian operations around the globe<sup>5</sup>. Fighting these instances and strengthening the UN's ability to respond to such issues are at the core of UN policymaking, and will only continue to be a problem until system-wide reform, from member states all the way to the commanders on the ground, is carried out.

### **Background/History:**

UN peacekeeping exists to help conflict or disaster torn countries create a peaceful environment. UN peacekeeping operations have "proven to be one of the most effective tools" available to help countries direct their way from conflict to peace. The United Nations itself structures peacekeeping as being guided by three basic principles:

- Consent of the parties
- Impartiality
- Non-use of force except in self-defense and defense of the mandate.

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<sup>2</sup> Schaefer, Brett. "Critical Reforms Required for U.N. Peacekeeping." The Heritage Foundation. September 8, 2009.

<sup>3</sup> "Corruption." Dictionary.com. Accessed November 5, 2015.

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<sup>4</sup> "Malfeasance." Dictionary.com. Accessed November 5, 2015.

<sup>5</sup> Schaefer, Brett. "Critical Reforms Required for U.N. Peacekeeping." The Heritage Foundation. September 8, 2009.



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Peacekeeping is flexible and has been in many configurations. Today operations aren't in place only to maintain peace and security, but are also mandated to assist host states in the creation of a robust political process, protect the lives of civilians, work to strengthen host state institutions, ensure the restoration and continued enforcement of the rule of law, and to ensure the adherence to the principals of human rights. Each operation begins life in the UN Security Council (UNSC). This body is the only UN organ with the power to mandate missions, and all decisions regarding the establishment, maintenance, or renewal of various peacekeeping missions are taken by the UNSC. Directly underneath the UNSC, the UN Department of Peacekeeping Operations (DPKO) is principally tasked with taking charge of the everyday operations and taking measures deemed necessary to achieve the mandated goals of the missions including finding commanders and personnel and logistical planning. All member states are obligated to pay their share towards peacekeeping, and similarly all peacekeeper troops are given by member states to each mission voluntarily, both are issues central to issues with the current peacekeeping framework<sup>6</sup>.

Peacekeeping operations function in a shifting physical, social, and economic environment. UN peacekeepers operate daily in difficult and typically hostile environments, and often success in their mandated goal isn't guaranteed. Currently there are sixteen ongoing peacekeeping

operations, they are located in Western Sahara (MINURSO), Liberia (UNMIL), Cote d'Ivoire (UNOCI), Sudan (UNAMID & UNISFA), Democratic Republic of the Congo (MONUSCO), South Sudan (UNMISS), Mali (MINUSMA), the Central African Republic (MINUSCA), Haiti (MINUSTAH), Kashmir (UNMOGIP), Cyprus (UNFICYP), Kosovo (UNMIK), Lebanon (UNIFIL), and Golan Heights in Syria (UNDOF)<sup>7</sup>.



**Figure 2: UN Peacekeepers in one of their earlier missions Cyprus (UNFICYP) 1967**

Source: [www.un.org](http://www.un.org)

### **Current Situation:**

Wrongdoing by peacekeeping staff is a harsh reality. There are several illegal actions that UN personnel have been exposed to having committed, most commonly, orchestrating or accepting bribery and kickbacks via contract steering for personal gain, incidents of sexual assault, and gross accounts of managerial negligence. The following few situations showcase peacekeeper corruption,

<sup>6</sup> "United Nations Peacekeeping." UN News Center. Accessed November 5, 2015. <http://www.un.org/en/peacekeeping/>.

<sup>7</sup> Ibid.



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malfeasance (misconduct among officials), lawlessness, and catastrophic failures in peacekeeping missions. Each problem highlights its own aspect of the UN's procedure that needs improvement in its peacekeeping operations, and each establishes corruption, general lawlessness, and malfeasance as issues deeply ingrained in the UN's operations in these conflict zones, and needs serious thought and action to fix the issues brought forward.

#### Malfeasance and Corruption:

A long time administrative employee of purchasing departments for the UN in various peacekeeping missions, Abdul Karim Masri has been investigated several times for alleged corruption, specifically in giving preferential treatment in awarding contracts to private companies for UN operations. Masri spent seven years working on the MONUC in the Democratic Republic of the Congo, and during this time Masri allegedly engaged in several incidents of misconduct. In Masri's wake there is a plethora of alleged crimes, and all of them involve Masri abusing his official position for his own personal gain. He allegedly "accepted a \$10,000 bribe from a boating company, steered a lucrative catering contract to a friend, and persuaded one U.N. contractor to paint his apartment and swimming pool at no cost and another to give him a steep discount on a Mercedes-Benz. It also described an effort by Masri to solicit a kickback from a construction executive on a \$5.5 million contract to refurbish an airfield in eastern [Democratic Republic of the] Congo." These allegations of corruption and abuse of power are not

unique to Masri or the mission in the DRC either. In Haiti a multi-million dollar oil contract was steered towards a Haitian company, in 2005 a Russian UN procurement official was convicted for receiving upwards of a million dollars in kickbacks for steering contracts to companies, a Singaporean UN official was deeply investigated for steering contracts from the East Timor mission to a Canadian company, and price inflation by a UN official to \$1,000 per water pump in Rwanda, when said water pumps in actuality are worth \$300<sup>8</sup>.

#### Other Criminal Wrongdoings in Peacekeeping:

In addition to these financial and white collar crimes sometimes committed by peacekeeping personnel, violent crimes are also sometimes committed. Sexual assault carried out by peacekeeping forces on host state civilians has been a particular issue in the peacekeeping mission in the Central African Republic (CAR). As of August 2015, there have been 13 filed allegations of sexual assault by peacekeeping forces in the Central African Republic alone. Also in August of 2015 in the CAR, a Rwandan peacekeeper killed four other colleagues and wounded eight others. Following the allegations of sexual assault and this violent incident in the peacekeeping mission, the head of the mission was asked by Secretary General Ban Ki-Moon to resign. The mission was established in September of

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<sup>8</sup> Lynch, Colum. "U.N. Finds Fraud, Mismanagement in Peacekeeping." Washington Post. December 18, 2007.



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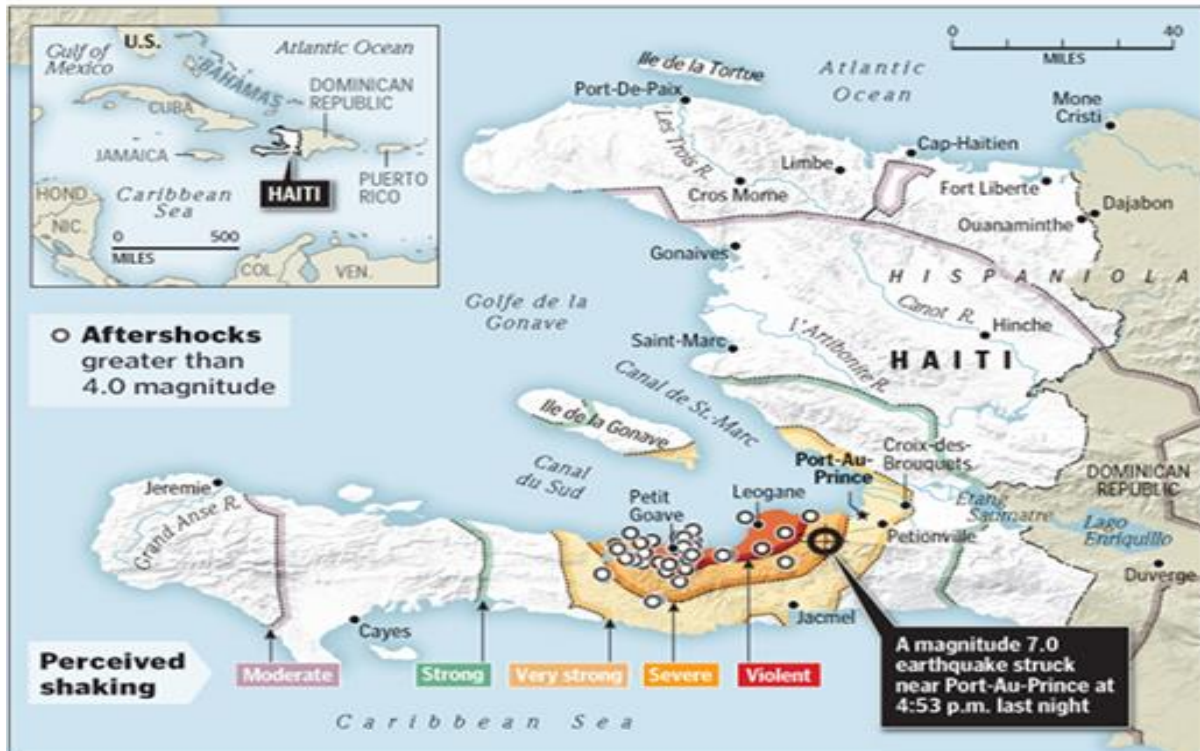


Figure 3: Total damage and loss is estimated at \$7.8 billion Source: Col. Aleksandar Georgiev, "Earthquake in Haiti as a Practical Example of International Humanitarian Assistance" (presentation, Sofia, Bulgaria, August 2-5, 2015).

2014, so these alleged crimes and the firing of the head of the mission all happened within one year of the establishment of the mission. These allegations of misconduct have crippled the mission in the CAR, breaking trust between the host state and the peacekeeping force and harming the legitimacy of UN efforts worldwide. Actions like these are not limited to the CAR, and similar cases can be seen in UN missions in Haiti, the Congo, Bosnia, and Somalia<sup>9,10</sup>.

<sup>9</sup> Roth, Richard, and Dana Ford. "U.N. Troops Accused of Rape in Central African Republic." CNN. August 19, 2015. Accessed November 5, 2015.

### Negligence:

Following the Haitian earthquake on January 12, 2010, the UN established its first peacekeeping missions in response to an environmental disaster. After the establishment of the mission, the first ever cholera outbreak in Haiti began. Beginning in October of 2010, cholera claimed a total of 9,403 lives in Haiti. A human rights lawyer filed a law suit in which they accused the UN for bringing cholera to Haiti.

<http://www.cnn.com/2015/08/19/africa/un-central-african-republic-sex-abuse/>

<sup>10</sup> "Rwandan UN Peacekeeper Kills Four Colleagues in CAR." Al Jazeera English. August 5, 2015.



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According to Ira Kurzban, a lawyer and board member with the Boston-based Institute for Justice and Development in Haiti, “The claims are that the U.N engaged in reckless and gross negligence and misconduct bringing cholera to Haiti”<sup>11</sup>. The group requested financial compensation for the 8,927 Haitians who died in result of the epidemic, as well as the other 650,000 who survived the illness. The epidemic started riots against the 8,000 U.N peacekeepers that were deployed there. The UN then commissioned two independent studies to look into their possible link to the, and after the involvement of these scientific and medical investigators, the likely source of the disease was discovered in a U.N base housing Nepalese peacekeepers. Near the base on the Artibonite River an open septic pit was discovered, with clear evidence of infection of the river. The initial spread of cholera followed downstream from the base on the Artibonite. The scientific experts hired by the UN then traced the cholera back to a Nepalese outbreak happening in 2010, in a region of Nepal where several of the peacekeepers were from<sup>12</sup>.

#### **UN Actions:**

##### Corruption:

Many of the issues with corruption found in the UN peacekeeping system stem

from two fundamental problems: 1. A lack of credible oversight within the UN itself to identify and end possible corruption and 2. The lack of repercussions beyond the possibility of termination from the UN for misconduct. An organization exists for the oversight of UN operations, the Office for Internal Oversight Services (OIOS), but the organization has major underlying issues. First established in 1994, the OIOS for most of its existence has been unable to achieve its mandated goal of investigating possible issues with personnel conduct. The organization employs only 325 total staff members to oversee the 41,426 staff members of the Secretariat and the 124,000 personnel on peacekeeping, let alone the staff members of other missions, coordinating efforts, or other branches of the UN. Even when the OIOS does investigate UN staff members, often the investigations are not in depth enough and more times than not individuals cleared by the OIOS to either work or continue to work for the UN are found to be committing illegal or immoral acts by independent investigations<sup>13</sup>. Further enumeration on issues with corruption in peacekeeping and combatting corruption in peacekeeping can be found in Transparency International’s report *Corruption & Peacekeeping: Strengthening Peacekeeping and the UN* ([here is a link to the landmark report](#)).

##### Crime:

The UN’s response to allegations of sexual assault and other violent crimes

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<sup>11</sup> Watson, Ivan. "U.N. Sued for 'bringing Cholera to Haiti,' Causing Deadly Outbreak - CNN.com." CNN. October 10, 2013.

<sup>12</sup> Frerichs, R. R., P. S. Keim, R. Barraiss, and R. Piarroux. "Nepalese origin of cholera epidemic in Haiti." *Clinical Microbiology and Infection* 18, no. 6 (2012): E158-E163.

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<sup>13</sup> Lynch, Colum. "U.N. Finds Fraud, Mismanagement in Peacekeeping." Washington Post. December 18, 2007.



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committed by peacekeepers is one that is still developing. What is already in place are two things: first is the conduct code that all peacekeepers are told to abide by, and second is the way that criminal procedures are carried out. The UN has set standards for the conduct and discipline of peace keepers. Here is a link to see the guidelines: <http://www.un.org/en/peacekeeping/issues/cdu.schtml>. Legally, through an unofficial agreement between member states and the UN, peacekeepers are to abide by the laws that are in place in the host state for the mission they are serving in. What is perplexing is that it is the troop contributing state's responsibility to extradite and prosecute their citizens for crimes they committed while serving on the mission. Beyond actions like withholding pay or terminating the personnel's position in the mission, the UN only has jurisdiction to extradite if the troop contributing state is unable to. This disconnect between UN, host state, and member state authority causes most cases to simply go away and end without conviction or even prosecution<sup>14</sup>.

#### Other UN Framework to be Discussed:

One of the fundamental components to any peacekeeping or building mission is the support, both financially and with personnel, of the member states. Not only do member states mandate each mission and pay for each mission, but they also are the

sources for each person who is involved with the direct functioning of the missions. This means that member states must take greater care and responsibility for not just allowing individuals to help with UN missions, but also for ensuring that justice is dealt when their citizens do harm to others. As a result of each member state's responsibility to prosecute peacekeepers and other personnel found to be breaking the law on missions, the state's role is incredibly important. If member states do not either agree to adjust the system or universally improve their ability to dispense justice in cases of misconduct, the peacekeepers on mission will continue to act lawlessly and damage the image of the UN. The role of each member state of the UN needs reevaluation in terms of the criminal accountability of UN personnel, and formal written language is required to ensure any fulfillment of agreed upon principles<sup>15</sup>.

#### **Essential Questions:**

The following are a few questions to not only help guide research, but possibly even debate during committee:

- Is the current framework for punishment adequate?
- How can internal oversight be strengthened?
- Should the role of the member state in peacekeeping be changed or evaluated?
- What steps can the UN take to not just punish for misconduct, but actively prevent it?

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<sup>14</sup> "Report of the Special Committee on Peacekeeping Operations." The Dag Hammarskjold Library. March 21, 2014.

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/68/19](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/19).

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<sup>15</sup> Ibid.





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- How can the UN repair relationships with host states of peacekeeping missions affected by misconduct and their civilians?

Here are links to several UN reports dealing with this issue that would greatly aid research:

- [Criminal Accountability of UN Officials and Experts on Missions \(2013\)](#)
- [Report on Special Measures for Protection from Sexual Exploitation and Sexual Abuse \(2014\)](#)
- [Report of the Special Committee on Peacekeeping Operations \(2014\)](#)



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